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Office of Toxic Substances
Survey and Analysis Division
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Federal Register Citations Pertaining to the Regulation of Asbestos

In House Report

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Federal regulations governing the production and use of asbestos and asbestos-containing materials continue to focus their attention on the adverse health and environmental effects of asbestos. To obtain an appreciation of the scope of the current regulatory status of asbestos, a compilation was made of Federal Register citations pertaining to the regulation of asbestos by CPSC, DOT, EPA, FDA, MESA, and OSHA. An abstract of each citation was prepared and filed chronologically by statutory authority within the individual agencies. The resulting document, as presented here, provides a condensed source of information relating to the development of the various standards presently enforced by the agencies as well as proposals for new or modified regulations.

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FEDERAL REGISTER CITATIONS PERTAINING TO THE REGULATION OF ASBESTOS

APRIL 1979

IN HOUSE REPORT

Joseph J. Breen
Elizabeth F. Bryan
Project Officers

Survey and Analysis Division
Office of Toxic Substances
U.S. Environmental Protection Agency
Washington, D.C. 20460

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Preface

Federal regulations governing the production and use of asbestos and asbestos-containing materials continue to focus their attention on the adverse health and environmental effects of asbestos. The Interagency Regulatory Liaison Group's (IRLG) Regulatory Development Work Group dealing with asbestos is particularly interested in coordinating future regulatory activities so that the harmful effects associated with asbestos are reduced or eliminated in a timely and efficient manner without any unnecessary duplication of effort.

To obtain an appreciation of the scope of the current regulatory status of asbestos, a compilation was made of Federal Register citations pertaining to the regulation of asbestos by CPSC, DOT, EPA, FDA, MESA, and OSHA. An abstract of each citation was prepared and filed chronologically by statutory authority within the individual agencies. The resulting document, as presented here, provides a condensed source of information relating to the development of the various standards presently enforced by the agencies as well as proposals for new or modified regulations.

The compilation is intended to serve as a working, desk top reference for those involved in regulatory-related activities. The format allows one to add comments on particular notices and also provides adequate space for including information on future regulations.

The following is a list of the appropriate contacts in the various agencies who are currently dealing with asbestos:

CPSC - Francine Shacter, Office of Program Management, (301) 492-6557

DOT - Joseph Nalevanko, Materials Transportation Bureau, (202) 755-4904

EPA - Robert Carton, OTS, (202) 755-4894
Gilbert H. Wood, OAQPS - RTP, NC (919) 541-5301

FDA - Kenneth Boyers, Bureau of Foods, (202) 245-7740

MESA - Aurel Goodwin, Standards, (202) 655-4000

OSHA - William V. Warren, Standards (202) 523-7177

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Clean Air Act

36 FR 5931 (March 31, 1971)

Air Pollution Prevention and Control. List of Hazardous Air Pollutants

Notices

Asbestos, beryllium, and mercury are listed as potential hazardous air pollutants which may cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable.

Pursuant to section 112 of the Clean Air Act.

36 FR 23239 (December 7, 1971) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Proposed Standards for Asbestos, Beryllium, Mercury

Proposed Rulemaking

The proposed standards are designed to minimize emissions to the atmosphere. Because there is no suitable technique for sampling and analyzing asbestos in the ambient air or in emission gases, the standards are expressed as requirements for the operation of specific control equipment (or other equipment of comparable effectiveness), or in situations where no control system is available as prohibitions on the use of asbestos.

The sources covered in the asbestos standard are: Mining, milling, spraying, and manufacturing. Specific examples of emission sources which would be subject to the proposed standards applicable to manufacturers of asbestos-containing products include, but are not limited to, manufacturers of the following products when those products contain asbestos:

Cement, textiles, paper and board, friction products, plastics, floor tiles, gaskets, packings, roofing felts, and insulation products.

Pursuant to sections 112 and 114 of the Clean Air Act.

38 FR 8820 (April 6, 1973) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Asbestos, Berylluim, and Mercury

Rules and Regulations

Prohibits visible emissions from any part of the asbestos mill, but it does not apply to dumps of asbestos tailings or open storage of asbestos ores.

Prohibits visible emissions from the nine manufacturing operations which are major sources of asbestos; the standard does not cover fabrication operations.

Specifies certain work practices which must be followed when demolishing certain buildings or structures. Covers institutional, industrial, and commercial buildings or structures, including apartment houses having more than four dwelling units, which contain friable asbestos material.

Prohibits visible emissions which contain asbestos from a number of sources and provides the option of using specified air-cleaning methods.

For those spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits, the standard limits the asbestos content to no more than 1 percent.

Prohibits the surfacing of all roadways except those on ore deposits with asbestos tailings.

Pursuant to section 112 of the Clean Air Act.

39 FR 15396 (May 3, 1974) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Asbestos, Beryllium, and Mercury

Rules and Regulations

Clarification of regulations promulgated April 6, 1973 (38 FR 8820). Definitions are presented for "alternative method", "commercial asbestos", "asbestos mill" or "manufacturing" operation, and "demolition".

Pursuant to section 112 of the Clean Air Act.

39 FR 38064 (October 25, 1974) 40 CFR Part 61

Asbestos and Mercury. Proposed Amendments to National Emission Standards for Hazardous Air Pollutants

Proposed Rules

The manufacture of shotgun shells and asphalt concrete are major sources of asbestos which should be added to the list of nine manufacturing operations covered by the promulgated asbestos standard.

Proposed amendment prohibits the installation of molded asbestos insulating materials which are friable and wet-applied asbestos insulating materials which are friable after drying.

An amendment to the asbestos standard is proposed to limit the emissions of asbestos from central fabricating shops which process asbestos-cement building materials, asbestos-cement and asbestos-silicate boards for six major end uses, and asbestos friction products. Prohibits visible emissions to the outside air but provides an option for using specified air-cleaning methods.

Amendments to the demolition provisions of the asbestos standard are proposed. A definition of "friable asbestos material" and an exemption from certain wetting requirements under subfreezing conditions are proposed. It is also proposed that the standard cover renovation operations and stripping of apparatus other than pipes, boilers, and load-supporting structural members.

Amendments are proposed for the disposal of asbestos wastes generated by asbestos mills, and for asbestos manufacturing, fabricating, demolition, and spraying operations which are covered by either the promulgated standard or provisions proposed herein. The proposed standard controls the waste disposal operations of packaging, transporting, and deposition at a waste disposal site, and operation of the asbestos waste disposal site.

Pursuant to section 112 of the Clean Air Act.

40 FR 48292 (October 14, 1975) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Amendments to Standards for Asbestos and Mercury.

Rules and Regulations

The surfacing of roadways with asbestos tailings or with asbestos-containing waste is prohibited, except for temporary roadways on an area of asbestos ore deposits.

There shall be no visible emissions to the outside air from the manufacture of shotgun shells and asphalt concrete if they use commercial asbestos.

Regulation covers the demolition of structures which contain any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is insulated or fireproofed with friable asbestos material and the renovation of structures where more than 80 meters of pipe insulated or fireproofed with friable asbestos material are stripped or removed or

more than 15 square meters of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed. Friable asbestos material shall be adequately wetted during stripping except when the temperature at the point of wetting is below 0°C. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air.

There shall be no visible emissions to the outside air from operations involving the fabrication of cement building products, friction products, and cement or silicate board if they use commerical asbestos.

Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos.

There shall be no visible emissions to the outside air during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material which is generated by manufacturing, fabricating, demolition, renovation, spraying, and milling operations.

Pursuant to section 112 of the Clean Air Act.

42 FR 12122 (March 2, 1977) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Proposed Amendments to Asbestos Standard

Proposed Rules

The proposed amendments would extend coverage of the demolition and renovation provisions to all materials which are friable and contain more than one percent asbestos by weight. The current provisions apply only to insulation and fireproofing materials. The proposed amendments similarly would extend the coverage of the asbestos spraying provisions by

prohibiting all materials sprayed on buildings, structures, structural members, pipes and conduits which contain more than one percent asbestos by weight. The proposed amendments specify that materials sprayed on structural members are covered.

Pursuant to section 112 of the Clean Air Act.

42 FR 12127 (March 2, 1977) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Amendment to Asbestos Standard

Rules and Regulations

The purpose of this amendment is to clarify that the demolition and renovation provisions of the asbestos standard apply when friable asbestos materials used for insulation and fireproofing are removed from non-load-supporting structural members, such as non-supporting walls and ceilings, as well as from load-supporting structural members.

Pursuant to section 112 of the Clean Air Act.

42 FR 58543 (November 10, 1977) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Development of Asbestos Standard for the Production and Use of Crushed Stone.

Advance Notice of Proposed Rulemaking

If EPA determines that the production and use of asbestos-containing serpentinite rock is causing asbestos emissions proximate to the public in a number of locations, standards will be proposed.

Pursuant to section 12 of the Clean Air Act.

43 FR 26372 (June 19, 1978) 40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants. Amendments to Asbestos Standard

Rules and Regulations

The national emission standard for asbestos currently regulates demolition and renovation operations involving asbestos - containing insulation and fireproofing materials and prohibits the spray application of these materials if they contain more than 1 percent asbestos. The promulgated amendments extend coverage of the demolition and renovation provisions to all friable asbestos materials and extend the coverage of the asbestos spraying provisions to all materials which contain more than 1 percent asbestos. Materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying are exempt from the spraying provisions.

Pursuant to section 112 of the Clean Air Act.

Federal Water Pollution Control Act

38 FR 1624 (January 16, 1973)

Water Pollution Prevention and Control. List of Categories of Sources

Notices

Asbestos manufacturing is listed as a potential source of water pollution.

Pursuant to section 306(b)(1)(A) of the Federal Water Pollution Control Act.

38 FR 24342 (September 7, 1973) 40 CFR Part 129

Toxic Pollutant Effluent Standards. List of Toxic Pollutants

Rules and Regulations

List of toxic pollutants for which an effluent standard will be published. Criteria used for the selection of toxic pollutants are presented and explained. Asbestos is included as a material which will be examined for potential inclusion on a future list.

Pursuant to section 307(a)(1) of the Federal Water Pollution Control Act.

Federal Water Pollution Control Act (cont'd)

38 FR 29944 (October 30, 1973) 40 CFR Part 427

Effluent Limitations Guidelines for Asbestos Manufacturing Point Source Category. Notice of Proposed Rulemaking

Proposed Rules

Standards of performance and pretreatment standards for new sources are proposed for the asbestos-cement pipe subcategory, asbestos-cement sheet subcategory, asbestos paper (starch binder) subcategory, asbestos paper (elastomeric binder) subcategory, asbestos millboard subcategory, asbestos roofing products subcategory, and asbestos floor tile subcategory for the asbestos manufacturing category of point sources.

Pursuant to sections 301, 304(b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act.

39 FR 7526 (February 26, 1974) 40 CFR Part 427

Asbestos Manufacturing Point Source Category

Rules and Regulations

Establishes final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products, and asbestos floor tile subcategories of the asbestos manufacturing category of point sources.

Pursuant to sections 301, 304(b) and (c), 306(b) and (c), and 307(c) of the Federal Water Pollution Control Act.

39 FR 7534 (February 26, 1974) 40 CFR Part 427

Asbestos Manufacturing Point Source Category. Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Proposed Rules

Deals with the application of the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the asbestos-cement pipe, asbestos-cement sheet, asbestos paper (starch binder), asbestos paper (elastomeric binder), asbestos millboard, asbestos roofing products and asbestos floor tile subcategories of the asbestos manufacturing point source category.

Pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act.

39 FR 31592 (August 29, 1974) 40 CFR Part 427

Asbestos Manufacturing Point Source Category. Effluent Limitations and Guidelines for Certain Subcategories

Proposed Rules

Amends 40 CFR Part 427, asbestos manufacturing point source category, by adding the coating or finishing of asbestos textiles subcategory, the solvent recovery subcategory, the vapor absorption subcategory, and the wet dust collection subcategory.

Pursuant to sections 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act.

40 FR 1874 (January 9, 1975) 40 CFR Part 427

Asbestos Manufacturing Point Source Category.

Rules and Regulations

Purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the asbestos manufacturing category of point sources by adding thereto the coating or finishing of asbestos textiles subcategory, the solvent recovery subcategory, the vapor absorption subcategory, and the wet dust collection subcategory.

Pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(c) of the Federal Water Pollution Control Act.

40 FR 1879 (January 9, 1975) 40 CFR Part 427

Asbestos Manufacturing Point Source Category; Pretreatment Standards for Existing Sources. Notice of Proposed Rulemaking

Proposed Rules

The proposal will amend 40 CFR Part 427, asbestos manufacturing point source category, establishing for the coating or finishing of asbestos textiles subcategory, the vapor absorption subcategory, and the wet dust collection subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works.

Pursuant to section 307(b) of the Federal Water Pollution Control Act.

Toxic Substances Control Act

42 FR 39182 (August 2, 1977) 40 CFR Parts 700 and 710

Toxic Substances Control. General Provisions and Inventory Reporting Requirements; Supplemental Notice; Public Meeting

Proposed Rules

For those minerals, such as asbestos, which may present a risk to human health or the environment, EPA will require information on uses, exposure, and other factors necessary in assessing that risk.

Pursuant to section 8(a) of the Toxic Substances Control Act.

42 FR 64572 (December 23, 1977) 40 CFR Part 710

Toxic Substances Control. Inventory Reporting Regulations

Rules and Regulations

Naturally occurring chemical substances are automatically included under the inventory reporting regulations. Asbestos would be included under the definition of a naturally occurring chemical substance which is (1) unprocessed or (2) processed only by manual, mechanical or gravitational means; by dissolution in water; by flotation; or by heating solely to remove water. The Agency will require reporting on a selective basis from manufacturers and processors of naturally occurring chemical substances. In addition, the Agency will use its authority to identify and regulate any unreasonable risks to health or the environment presented by naturally occurring chemical substances.

Pursuant to sections 4, 6, 7, and 8(a) of the Toxic Substances Control Act.

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Consumer Product Safety Act

42 FR 38782 (July 29, 1977) 16 CFR Part 1145

Respirable Free-Form Asbestos. Proposed Rules to Regulate Consumer Patching Compounds and Artificial Emberizing Materials (Embers and Ash) Containing Respirable Free-Form Asbestos, Under the Consumer Product Safety Act

Proposed Rules

The Commission proposes to regulate consumer patching compounds and artificial emberizing materials (embers and ash) containing respirable free-form asbestos under the Consumer Product Safety Act instead of the Federal Hazardous Substances Act, to address the risk of cancer associated with inhalation of asbestos fibers.

Pursuant to 30(d) of the Consumer Product Safety Act.

42 FR 38783 (July 29, 1977) 16 CFR Parts 1304 and 1305

Respirable Free-Form Asbestos. Proposal to Ban Certain Patching Compounds and Artificial Emberizing Materials (Embers and Ash)

Proposed Banning Rules

The Commission proposes to ban two consumer products containing asbestos that can be inhaled: (1) consumer patching compounds used to join or repair interior walls and ceilings and (2) artificial emberizing materials made with respirable free-form asbestos for use in fireplaces to simulate live embers and ash.

Pursuant to section 30(d) of the Consumer Product Safety Act.

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42 FR 63354 (December 15, 1977) 16 CFR Part 1145

Regulation of Products Subject to Other Acts Under the Consumer Product Safety Act. Consumer Patching Compounds and Artificial Emberizing Materials (Embers and Ash) Containing Respirable Free-Form Asbestos

Rules and Regulations

The Commission issues final rules determining that it is in the public interest to regulate consumer patching compounds and artificial emberizing materials (embers and ash) containing respirable, free-form asbestos, for the purpose of addressing the risk of cancer associated with inhalation of asbestos fibers, under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act.

Pursuant to section 30(d) of the Consumer Product Safety Act.

42 FR 63354 (December 15, 1977) 16 CFR Parts 1304 and 1305

Consumer Patching Compounds and Artificial Emberizing Materials (Embers and Ash) Containing Respirable Free-Form Asbestos. Establishment As Banned Hazardous Products.

Rules and Regulations

The Commission declares that the following products containing respirable free-form asbestos are banned hazardous products: (1) Consumer patching compounds used to join or repair interior walls and ceilings (mixing of the product before it is applied, sanding of the product after it is dried, and cleanup after completion of the process, release asbestos fibers that can be inhaled); and (2) artificial emberizing materials (embers and ash) used in fireplaces to simulate live embers and ash (ordinary air currents in the household move asbestos fibers that can be inhaled).

Pursuant to sections 8 and 9 of the Consumer Product Safety Act.

Hazardous Materials Transportation Act

41 FR 53824 (December 9, 1976) 49 CFR Parts 170-189

Environmental and Health Effects Materials. Advanced Notice of Proposed Rulemaking

Proposed Rules

The Materials Transportation Bureau is giving notice that it is considering whether new or additional controls are necessary for classes of materials presenting certain hazards to humans and to the environment and which are not generally subject to the existing Hazardous Materials Regulations. Asbestos (or chysotile, amosite, crocidolite, tremolite, anthophyllite, actinolite) is listed as a material to be considered for regulation.

Pursuant to section 104 of the Hazardous Materials Transportation Act.

43 FR 8562 (March 2, 1978) 49 CFR Parts 172-177

Transportation of Asbestos. Notice of Proposed Rulemaking

Proposed Rules

Asbestos must be offered for transportation and transported in (1) rigid, airtight packaging such as metal or fiber drums, or (2) bags when in closed freight containers, motor vehicles, or rail cars that are loaded by the consignor and unloaded by the consignee. Asbestos includes any of the following hydrated mineral silicates: chrysotile, crocidolite, amosite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos, and every product containing any of these minerals.

Asbestos which is immersed or fixed in a natural or artificial binder material (such as cement, plastic, asphalt, resins or mineral ore) and manufactured products containing asbestos are not subject to the requirements of the proposed rule.

Pursuant to the Hazardous Materials Transportation Act.

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Federal Food, Drug, and Cosmetic Act

37 FR 3645 (February 18, 1972) 21 CFR Part 191

Asbestos-Containing Garments for General Use. Proposed Classification as Banned Hazardous Substance

Proposed Rulemaking

The Commissioner finds that asbestos-containing garments marketed for general use, other than those having a bona fide application for fire fighting, are hazardous substances, that cautionary labeling is inadequate to protect the public health and safety, and therefore, that such articles should be kept from interstate commerce.

Pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act and to section 701(e) of the Federal Food, Drug, and Cosmetic Act.

37 FR 14872 (July 26, 1972) 21 CFR Part 191

Hazardous Substances: Definitions and Procedural and Interpretative Regulations. Asbestos-Containing Garments for General Use; Classification as Banned Hazardous Substances.

Rules and Regulations

The Commissioner finds that notwithstanding such cautionary labeling as is or may be required under the Federal Hazardous Substance Act, the degree or nature of the hazard involved in the presence or use of asbestos-containing garments for general use in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substances, when so intended or packaged, out of the channels of interstate commerce.

Pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act and to section 701(e) of the Federal Food, Drug, and Cosmetic Act.

37 FR 16407 (August 12, 1972) 21 CFR Part 121

Food Additives. Proposal Regarding Regulation of Prior-Sanctioned Food Ingredients

Proposed Rulemaking

The Commissioner proposes to issue a regulation for talc, which has a prior sanction for use in coating polished rice. Asbestos-form particles are present in talc used to coat rice. Since asbestos is carcinogenic when inhaled and asbestos-form particles may therefore be injurious to health when ingested, and since talc can be processed to remove asbestos-form particles, it is prudent to require that talc which is to be used in the manufacture of food or food packaging be free of asbestos-form particles.

Pursuant to sections 201(s), 409, and 701(a) of the Federal Food, Drug, and Cosmetic Act.

38 FR 27076 (September 28, 1973) 21 CFR Parts 121, 128, 133

Asbestos Particles in Food and Drugs. Notice of Proposed Rulemaking

Proposed Rules

Any food or food additive and any drug or drug component produced, manufactured, processed or prepared using a filter made wholly or partially of asbestos shall be deemed to be adulterated. Any drug or drug component containing talc which has not been demonstrated to be free of asbestos particles shall be deemed to be adulterated.

Pursuant to sections 402, 502, and 701 of the Federal Food, Drug, and Cosmetic Act.

40 FR 11865 (March 14, 1975) 21 CFR Part 133

Drugs; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding. Asbestos-Form Particles in Drugs for Parenteral Injection

Rules and Regulations

Filters used in the manufacture, processing or packaging of components of drug products for parenteral injection in humans shall not release fibers into such products. No asbestos-containing or other fiber-releasing filter may be used in the manufacture, processing, or packaging of such products unless it is not possible to manufacture that drug product or component without the use of such a filter. If use of a fiber-releasing filter is required, an additional non-fiber releasing filter shall subsequently be used to reduce the content of any asbestos-form particles in the drug product or component.

Containers for parenteral drugs, drug products or drug components shall be cleansed with water which has been filtered through a non-fiber-releasing filter. Product containers and their components shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or established requirements and shall provide adequate protection against external factors that can cause deterioration or contamination of the drug.

Delays any final regulation for talc until an acceptable method for determining the presence of asbestos particles can be developed for this substance.

Pursuant to sections 501, 502, and 701 of the Federal Food, Drug, and Cosmetic Act.

40 FR 26683 (June 25, 1975) 21 CFR Part 121

Electrolytic Diaphragm Process for Salt. Proposed Revocation

Proposed Rules

The Commissioner is staying the effective date of the regulation (39 FR 34192 dated September 23, 1974, attached) pertaining to the electrolytic diaphragm process for salt and proposing its revocation. Under the conditions specified in the regulation, the additional data fail to establish that the process is capable of producing food grade salt that does not contain levels of asbestos impurity greatly in excess of those in conventionally produced salt.

Pursuant to sections 201(s), 409, and 701(a) of the Federal Food, Drug and Cosmetic Act.

41 FR 3286 (January 22, 1976) 21 CFR Part 121

Food Additives Permitted in Food for Human Consumption. Electrolytic Diaphragm Process for Salt, Revocation

Rules and Regulations

The commissioner concludes that the electrolytic diaphragm process has not been established as safe under the conditions specified in the regulation. The amount of asbestos impurity in the sample of salt produced by the electrolytic diaphragm process is greater by several orders of magnitude than that in the sample of salt produced by conventional means. The Commissioner, therefore, concludes that revocation of the regulation is justified.

Pursuant to sections 201(s), 409, and 701(a) of the Federal Food, Drug, and Cosmetic Act.

Federal Metal and Nonmetallic Mine Safety Act

38 FR 7822 (March 26, 1973)

Metal and Nonmetallic Mine Health and Safety Symposium on Talc Dust Hazards. Notice of Public Meeting

Notices

Notice is given that a public meeting will be held to obtain information relating to the characterization of airborne dust from mining and milling of minerals containing talc and tremolite, and where possible, medical data related to disease and exposure to talc and tremolite dust from mining and milling.

38 FR 23383 (August 29, 1973) 30 CFR Parts 55, 56, 57

Proposed Health and Safety Standards
Metal and Nonmetallic Open Pit Mines
Sand, Gravel, and Crushed Stone Operations
Metal and Nonmetallic Underground Mines

Proposed Rules

The TWA airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400-450X magnification phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

Pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act.

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39 FR 24316 (July 1, 1974) 30 CFR Parts 55, 56, 57

Health and Safety Standards-
Metal and Nonmetallic Open Pit Mines
Sand, Gravel, and Crushed Stone Operations
Metal and Nonmetallic Underground Mines

Rules and Regulations

The 8-hour TWA airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400-450 magnification phase contrast illumination. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 microns, per milliliter of air as determined by the membrane filter method over a minimum sampling time of 15 min.

The term "asbestos" as used herein is limited to the following minerals: chrysotile, amosite, crocidolite, anthophylite asbestos, tremolite asbestos, and actinolite asbestos.

Pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act.

42 FR 35000 (July 7, 1977) 30 CFR Parts 55, 56, and 57

New and Revised Health Standards. Notice of Proposed Rulemaking

Proposed Rules

The health standards are to be amended by: (1) revising the definition of "potable" to "potable water" which will provide the minimum health requirements for drinking water as established by the State or community in which the mine is located, or the Public Health Service drinking water standards; (2) prohibiting the use or storage of certain specified toxic chemical substances except under laboratory conditions

approved by a nationally recognized agency acceptable to the Secretary; (3) revising existing mandatory standards by reducing the 8-hr TWA airborne concentration of asbestos dust to which employees are to be exposed from 5 fibers/ml greater than 5 microns in length to 2 fibers/ml; and (4) prohibiting silica sand or other materials containing more than 1 percent free silica from being used as an abrasive substance in abrasive cleaning operations underground and limiting such use in surface activities only with the use of full-flow respiratory protection, or equivalents to all exposed persons.

Pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act.

Federal Coal Mine Health and Safety Act

37 FR 23645 (November 7, 1972) 30 CFR Part 71

Coal Mine Health and Safety. Notice of Proposed Rulemaking

Proposed Rulemaking

The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400-450 magnification.

Pursuant to section 101(e) of the Federal Coal Mine Health and Safety Act.

39 FR 13003 (April 10, 1974) 30 CFR Part 71

Coal Mine Health and Safety. Notice of Objections Filed and Hearing Requested on Asbestos Dust Standard for Surface Work Areas of Ungerground Coal Mines and Surface Coal Mines.

Proposed Rules

Notice is given that written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a hearing on substantially all of the proposed amendments (threshold limit values for gases, dusts, fumes, mists, and vapors; standard and measurement requirements for asbestos dust; noise level measurement procedures). Subsequently this request was modified to cover only the proposed new standard for exposure to asbestos.

Pursuant to section 101(f) of the Federal Coal Mine Health and Safety Act.

39 FR 28176 (August 5, 1974)

Asbestos Exposure in Surface Coal Mines and Surface Work Areas of Underground Mines; Findings of Fact

Notices

On the basis of the evidence presented at the hearing held on June 5, 1974, the Director of the National Institute for Occupational Safety and Health finds that a standard requiring coal mine operators to maintain the 8-hour average airborne concentration of asbestos dust to which miners are exposed at or below two fibers (greater than 5 microns in length) per cubic centimeter of air but not to exceed 10 fibers per cubic centimeter more than one hour of each 8-hour day, is necessary for the protection of life and the prevention of occupational diseases of miners.

Pursuant to section 101(g) of the Federal Coal Mine Health and Safety Act.

41 FR 10223 (March 10, 1976) 30 CFR Part 71

Surface Work Areas of Underground Coal Mines and Surface Coal Mines. Exposure to Asbestos

Rules and Regulations

The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers/cc of air. Exposure to a concentration greater than two fibers/cc of air, but not to exceed 10 fibers/cc of air, may be permitted for a total of 1 hour each 8-hour day. The term asbestos means chrysotile, amosite, crocidolite, anthophylite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and

with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400-450 magnification.

Pursuant to section 101(h) of the Federal Coal Mine Health and Safety Act.

Occupational Safety and Health Act

36 FR 10466 at 10506 (May 29, 1971) 29 CFR Part 1910

Occupational Health and Environmental Control. Air Contaminants (Gases, Vapors, Fumes, Dust, and Mists)

Rules and Regulations

Exposures by inhalation, ingestion, skin absorption, or contact to any material or substance at concentrations above those specified for the given material or substance shall be avoided, or protective equipment shall be provided and used. The concentration specified for asbestos is 12 fibers per milliliter greater than 5 microns in length as determined by the membrane filter method at 430X phase contrast magnification or 2 millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

Pursuant to section 8(g) of the Williams-Steiger Occupational Safety and Health Act.

36 FR 23207 (December 7, 1971) 29 CFR Part 1910

Occupational Safety and Health Standards. Emergency Standard for Exposure to Asbestos Dust

Rules and Regulations

The 8-hour TWA airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400-450 X magnification phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

Pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act.

37 FR 466 (January 12, 1972) 29 CFR Part 1910

Standard for Exposure to Asbestos Dust. Notice of Proposed Rulemaking

Proposed Rulemaking

The 8-hour TWA airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers longer than 5 microns per milliliter, as determined by the membrane filter method at 400-450 X (magnification) phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour, but for not more than 5 hours in an 8-hour day.

Pursuant to section 6(b) and (c) of the Williams-Steiger Occupational Safety and Health Act.

37 FR 11318 (June 7, 1972) 29 CFR Part 1910

Occupational Safety and Health Standards. Standard for Exposure to Asbestos Dust

Rules and Regulations

Permissible exposure to airborne concentrations of asbestos fibers --

(1) Standard effective July 7, 1972. The 8-hour TWA airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air as determined by the membrane filter method at 400-450 X (magnification) with phase contrast illumination.

(2) Standard effective July 1, 1976. The 8-hour TWA airborne concentrations of asbestos fibers to which any

employee may be exposed shall not exceed two fibers longer than 5 micrometers, per cubic centimeter of air.

(3) Ceiling Concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

Includes methods of compliance, warning signs, monitoring, medical examinations, and recordkeeping.

Pursuant to sections 6(b) and (c) and 8(c) of the Williams-Steiger Occupational Safety and Health Act.

40 FR 47652 (October 9, 1975) 29 CFR Part 1910

Occupational Exposure to Asbestos. Notice of Proposed Rulemaking

Proposed Rules

This standard, as revised, would continue to apply to all employments covered by the Act but would exclude the construction industry.

The proposed standard would lower the permissible exposure to 500,000 fibers/m^3 for an 8-hour TWA exposure, and reduce the permissible ceiling exposure to 5,000,000 asbestos fibers/m^3 for any period not exceeding 15 minutes; extend the retention period for medical and monitoring records to forty years, or for the duration of employment plus twenty years, whichever is longer; provide procedures for the transfer of medical and monitoring records of certain former employers; require specific minimum data on medical and monitoring records; revise the procedures for initial and subsequent monitoring; modify the definitions of "asbestos" and "asbestos fiber"; add provisions for employee hygiene, information, and training; revise and update the requirements

for respirators, and warning signs and labels; and establish a time parameter for sampling ceiling concentrations. In addition, the proposal contains work practices to be followed for certain operations and processes involving asbestos.

The proposed standard also provides for regulated areas. Any work area where a person may be exposed to airborne concentrations of asbestos fibers in excess of either of the limits stated above (8-hour or ceiling) shall be designated a regulated area. Only authorized persons may be allowed to enter such an area. A daily roster of all persons entering a regulated area shall be made and maintained. The presence or consumption of food or beverages and the presence or use of smoking or nonfood chewing shall be prohibited in regulated areas.

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act.

41 FR 11504 (March 19, 1976) 29 CFR Part 1910

Occupational Safety and Health Standards. Standard for Exposure to Asbestos

Rules and Regulations

Extends the recordkeeping requirement for exposure monitoring from three years to twenty years.

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act.